IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 21519 of 2007(J)

ID.23/2005 of LABOUR COURT, KANNUR

.....

PETITIONER:

ASMA, AGED 58 YEARS, W/O. LATE ABBAS,
SAKKURA HOUSE, HASHIM STREET, THARUVATH,
KASARAGOD.

BY ADV. SRI.R.RENJITH
SRI.M.T.SURESHKUMAR

RESPONDENTS:

---

1. THE LABOUR COURT,
KANNUR, REPRESENTED BY ITS SHERASTHADAR.

2. B.SUDHAKARA, S/O. LATE KRISHNOGI,
NEAR GEETHA TALKIES, KASARAGOD P.O.

BY GOVERNMENT PLEADER SRI. M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.21519/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE AWARD DTED 17.8.2006 IN I.D.NO.23 OF 2005, PASSED BY THE 1ST RESPONDENT.

EXT.P2: TRUE COPY OF THE ORDER DTED 13.3.2007 IN C.M.P.NO.92 OF 2006 IN I.D.NO.23 OF 2005 PASSED BY THE 1ST RESPONDENT.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 21519 OF 2007

DATED THIS THE 25th DAY OF JULY, 2007

JUDGMENT

The petitioner challenges Ext.P2 order of the Labour Court, Kannur in I.D.No.23/05 by which the petitioner's application to set aside the exparte award was rejected on the ground that the petitioner has not paid the cost of Rs.300/- directed to be paid to the District Legal Service Authority. I do not find anything wrong in Ext.P2order. Of course, the petitioner would contend that Ext.P2 order has been passed on the ground that the Labour Court does not have power to review its own order which according to him is not correct. Even without going into that question, I am of the view that since the petitioner has not even paid costs of a meagre amount of Rs.300/-, the dismissal of the petition cannot be stated to be faulty. However, I am inclined to take a lenient view in this matter, but that can only be on terms.

2. Accordingly, I set aside Ext.P2 on condition that the petitioner pays an amount of Rs.2,500/- (Rupees two thousand five hundred) to the workman. On such payment, the industrial dispute would stand restored to file and the Labour Court shall re-adjudicate the dispute after affording an opportunity to both sides to adduce evidence. The petitioner shall along

with a certified copy of this judgment produce proof of payment of costs to the workman, on compliance of which alone the Labour Court need re-adjudicate the industrial dispute. If he does not pay the costs as directed above the writ petition would stand dismissed.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd